

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: September 29, 2010

FILED

DATE: 09/29/10

9:01 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

Vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney

(For Plaintiff)

John Sears

Larry Hammond & Anne Chapman

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 52 - Sealed

NATURE OF PROCEEDINGS

COURT REPORTER

Ashlee Mangum

START TIME: 9:01 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Steven Carroll Democker, Defendant in Custody

At 9:01 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Counsel for State, Jeff Paupore is not present at this time.

Court indicates, this matter is sealed.

Court has received a petition/application to stay the proceedings.

Counsel for Defendant, Hammond, addresses the Court

Counsel requests the Court stay the proceedings at this time to allow Counsel to file a special action with the Court of Appeals.

Counsel for State opposes the stay and indicates he is ready to proceed.

Court has reviewed the information provided.

Counsel for Defendant indicates, continued representation of this defense team would constitute an ethical violation.

Court will look into the issue.

Court indicates, based upon the length of this recent break, the articles in the paper/radio and all the media, Court believes it would be necessary to speak with the Jurors as to the admonition/publicity.

Counsel for Defendant believes individual *voir dire* would be appropriate.

Counsel for State opposes speaking with each individual juror and believes a group discussion would be sufficient. If there is any indication that a Juror has a problem or concern, Court may address that Juror individually.

Court believes individual discussions shall take place.

Court indicates, another matter has presented itself as Mr. Democker is scheduled for Early Disposition Court tomorrow.

Counsel for Defendant, Sears, is aware of the hearing.

Counsel for State indicates, there are still some pending motions which need to be ruled on.

Counsel for State agrees to allow Counsel for Defendant another day to file responses to the pending motions.

***** Recess at 9:22 a.m. *****

At 9:41 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Court has reviewed the application for stay. Court indicates his concerns on the record.

Counsel for Defendant, Hammond, addresses the Court's concerns.

Court will allow a stay of 1 day at this time. If the Court of Appeals requests further stay, this Court will do as directed.

IT IS ORDERED the stay is in effect until 8:30 a.m. October 1, 2010, Friday morning. Court will direct the Jury Panel to return at 10:00 a.m. on Friday.

Court and Counsel discuss transcripts needed for the Special Action to be filed with the Court of Appeals.

Court indicates, he would like to speak with the Jurors at this time.

***** Recess at 9:59 a.m. *****

At 10:07 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Court indicates, the press/media is wanting to know when the trial will resume. Court suggests telling the media the trial will resume on Friday at 8:30 a.m. Counsel has no objection. Court directs the bailiff to inform the media.

Court indicates, this is now the time for the Court to speak with each individual Juror.

At 10:12 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:15 a.m., Juror [REDACTED] exits the Courtroom.

At 10:16 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:18 a.m., Juror [REDACTED] exits the Courtroom.

At 10: 19 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:23 a.m., Juror [REDACTED] exits the Courtroom.

At 10:23 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:26 a.m., Juror [REDACTED] exits the Courtroom.

At 10:27 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:30 a.m., Juror [REDACTED] exits the Courtroom.

At 10:30 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:33 a.m., Juror [REDACTED] exits the Courtroom.

At 10:34 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:36 a.m., Juror [REDACTED] exits the Courtroom.

At 10:36 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:39 a.m., Juror [REDACTED] exits the Courtroom.

At 10:40 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:42 a.m., Juror [REDACTED] exits the Courtroom.

At 10:43 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror. Court directs Juror [REDACTED] to remain present until the remainder of the Jurors are excused.

At 10:49 a.m., Juror [REDACTED] exits the Courtroom.

At 10:50 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:52 a.m., Juror [REDACTED] exits the Courtroom.

At 10:53 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 10:58 a.m., Juror [REDACTED] exits the Courtroom.

At 10:59 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 11:03 a.m., Juror [REDACTED] exits the Courtroom.

At 11:04 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 11:07 a.m., Juror [REDACTED] exits the Courtroom.

At 11:08 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 11:11 a.m., Juror [REDACTED] exits the Courtroom.

At 11:12 a.m., Juror [REDACTED] enters the Courtroom.

Court addresses the Juror.

At 11:15 a.m., Juror [REDACTED] exits the Courtroom.

As each Juror enters, Court reminds each Juror of the admonition, directs each Juror to return at 10:00 a.m. on Friday and to keep in contact with the Jury Commissioner.

Court, Counsel and Defendant remain.

Counsel for Defendant clarifies with Counsel for State, there has been agreement by Counsel extending the time for responses.

Counsel for Defendant, Sears, addresses his ongoing concern with regards to Juror [REDACTED]

Court adjourns at 11:22 a.m.

cc: Dean Trebesch (Contract Administrator) (PD)
Christopher DuPont, Trautman DuPont PLC,
Counsel for Victims Charlotte and Katherine DeMocker
YCSO – Detention Records
Victim Services
John Napper, Counsel for Renee Girard
Division 6